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DOCKET NO: C1039.70078US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Arthur M. Krieg, et al.
Serial No: 10/627,331
Confirmation No: 4362
Filed: July 25, 2003
For: METHODS FOR TREATING AND PREVENTING
INFECTIOUS DISEASE

Examiner: Not yet assigned
Art Unit: 1632

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450, on the 12 day of January, 2004.

Helen C. Lockhart

Helen C. Lockhart

Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

TRANSMITTAL

Sir:

Transmitted herewith are the following documents:

- ☒ Information Disclosure Statement;
- ☒ PTO Form 1449;
- ☒ Return Receipt Postcard.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

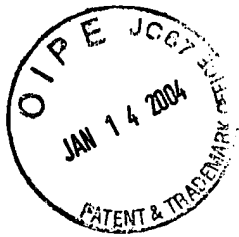
No fee is enclosed. If there is a fee associated with this filing, then please charge the amount to the account of the undersigned, Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,

Helen C. Lockhart

Helen C. Lockhart, Reg. No. 39,248
Wolf, Greenfield & Sacks, P.C.
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Docket No. C1039.70078US00
Date: January 12, 2004
xNDDx



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Helen C. Lockhart, Ph.D., Reg. No. 39,248

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case.

No fee or certification is required.

Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application (copies are not enclosed because copies were provided in parent application 09/630,319 to which the instant patent application claims the benefit of priority under 35 U.S.C. §120, except 09/630,319, a copy of which was provided in parent application 10/187,489 to which the instant patent application claims the benefit of priority under 35 U.S.C. §120)

Docket Number	Serial Number	Filing Date	Inventor(s)
C1037.70013US00	09/776,479	2/2/01	Bratzler et al.
C1037.70016US00	09/009,634	1/20/98	Hutcherson et al.
C1037.70019US00	09/920,313	8/1/01	Bratzler et al.
C1037.70021US00	09/949,194	9/7/01	Peterson et al.
C1037.70025US00	10/017,995	12/14/01	Bratzler
C1037.70038US01	10/735,592	12/11/03	Krieg et al.
C1037.70041US00	10/613,749	7/3/03	Krieg
C1037.70042US00	10/613,524	7/3/03	Krieg
C1037.70043US00	10/613,739	7/3/03	Krieg
C1037.70044US00	10/613,716	7/3/03	Krieg
C1037.70045US00	10/613,228	7/3/03	Krieg
C1037.70046US00	10/445,247	6/5/03	Krieg
C1037.70048US00	10/644,052	8/19/03	Krieg et al.
C1037.70049US00	10/643,141	8/18/03	Hutcherson et al.
C1037.70051US00	10/666,733	9/19/03	Bratzler et al.
C1037.70052US00	10/668,050	9/22/03	Bratzler et al.
C1039.70020US00	09/337,584	6/21/99	Krieg et al.
C1039.70022US00	09/337,893	6/21/99	Krieg
C1039.70035US00	09/669,187	09/25/00	Krieg et al.
C1039.70036US00	09/559,140	4/27/00	Noll et al.
C1039.70041US00	09/655,319	9/5/00	Krieg et al.
C1039.70042US00	09/630,319	7/31/00	Krieg et al.
C1039.70043US00	09/629,477	7/31/00	Krieg et al.
C1039.70044US00	09/672,126	9/27/00	Hartmann et al.
C1039.70048US00	09/818,918	3/27/01	Krieg et al.
C1039.70049US00	09/824,468	04/02/01	Krieg et al.
C1039.70052US00	09/888,326	6/22/01	Weiner et al.

Docket Number	Serial Number	Filing Date	Inventor(s)
C1039.70057US00	09/965,101	9/26/01	Davis et al.
C1039.70058US00	10/023,909	12/18/01	Davis et al.
C1039.70060US00	10/112,653	3/29/02	Krieg et al.
C1039.70061US00	10/161,229	6/3/02	Krieg et al.
C1039.70062US00	10/187,489	7/2/02	Krieg et al.
C1039.70063US00	10/224,523	8/19/02	Krieg et al.
C1039.70065US00	10/272,502	10/15/02	Krieg et al.
C1039.70067US00	10/300,247	11/20/02	Davis et al.
C1039.70068US00	10/306,522	11/27/02	Krieg et al.
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C1039.70073US00	TBD	12/22/03	Krieg et al.
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C1039.70077US00	10/619,279	7/14/03	Krieg
C1039.70079US00	10/627,413	7/30/03	Krieg et al.
C1039.70082US00	10/631,676	7/30/03	Krieg et al.
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C1040.70006US00	09/316,199	5/21/99	McCluskie et al.
C1040.70010US00	09/768,012	1/22/01	Davis et al.
C1041.70002US00	09/241,653	2/2/99	Wagner et al.
C1041.70005US00	09/355,254	7/23/99	Wagner et al.
C1041.70010US00	09/786,436	9/3/99	Wagner et al.
C1041.70014US00	09/895,007	6/28/01	Schetter et al.
C1041.70016US00	09/954,987	9/17/01	Bauer et al.
C1041.70019US00	10/140,013	5/6/02	Schetter et al.
C1041.70029US00	10/212,133	8/1/02	Lipford et al.
C1041.70031US00	10/265,072	10/5/02	Lipford
C1041.70035US00	10/373,381	2/24/03	Wagner et al.
C1041.70037US00	10/407,952	4/4/03	Lipford et al.

Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;

2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;

3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

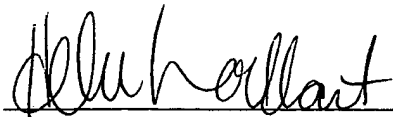
By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

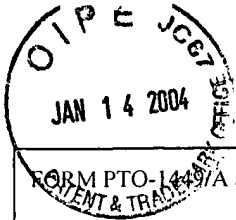
Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,
Arthur M. Krieg, et al., *Applicant*

By: 
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Telephone: (617) 720-3500

Docket No. C1039.70078US00
Date: January 12, 2004
XNDDX



FORM PTO-1449A and B (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT				APPLICATION NO.: 10/627,331		ATTY. DOCKET NO.: C1039.70078US00	
				FILING DATE: July 25, 2003		CONFIRMATION NO.: 4362	
				APPLICANT: Arthur M. Krieg, et al.			
				GROUP ART UNIT: 1632		EXAMINER: Not yet assigned	
Sheet	1	of	10				

U.S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
	*	3,906,092		Hilleman et al.	09-16-1975
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	*	US 2003/0119773	A1	Carson et al.	06/26/2003
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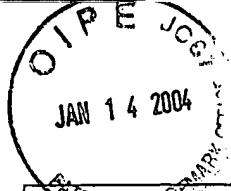
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Sheet	2	of	10				

U.S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	U.S. Patent Document			Name of Patentee or Applicant of Cited Document	D
	*	US 2003/0133988	A1	Van Nest et al.	07/17/2003	
	*	US 2003/0143213	A1	Fearon et al.	07/31/2003	
	*	US 2003/0147870	A1	Raz et al.	08/07/2003	
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Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/Country	Number	Kind Code			
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	*	WO	91/12811		PCT	09-05-1991	
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	*	WO	92/18522		PCT	10-29-1992	
	*	WO	92/21353		PCT	12-10-1992	
	*	EPO	0302758 81		EPO	03-16-1994	
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	*	WO	96/35782		Applied Research Systems	11-14-1996	
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	*	WO	00/20039	A1	Regents of the University of CA	04/13/2000	



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	*	WO	00/21556	A1	Dynavax Tech Corp.	04/20/2000	
	*	WO	00/62781	A1	Regents of the University of CA	10/26/2000	
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	*	WO	01/12804	A2	Hybridon, Inc.	02-22-2001	
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	*	WO	01/55341	A2	The Reagents of the Univ. of California	08-02-2001	
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OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
	*	ADYA N et al., Expansion of CREB's DNA recognition specificity by Tax results from interaction with Ala-Ala-Arg at positions 282-284 near the conserved DNA-binding domain of CREB. <i>Proc Natl Acad Sci USA</i> (1994) 91(12):5642-6.	
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JAN 14 2004

FORM PTO-1449/A and B (Modified)

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

APPLICATION NO.: 10/627,331

ATTY. DOCKET NO.: C1039.70078US00

FILING DATE: July 25, 2003

CONFIRMATION NO.: 4362

APPLICANT: Arthur M. Krieg, et al.

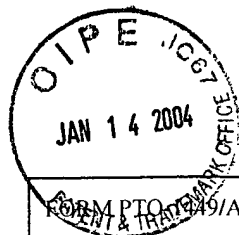
GROUP ART UNIT: 1632

EXAMINER: Not yet assigned

Sheet 4 of 10

OTHER ART — NON PATENT LITERATURE DOCUMENTS

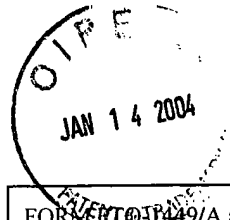
Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
	*	BOGGS RT et al., Characterization and modulation of immune stimulation by modified oligonucleotides. <i>Antisense Nucleic Acid Drug Dev</i> (1997) 7(5):461-71.	
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT		FILING DATE: July 25, 2003	CONFIRMATION NO.: 4362
		APPLICANT: Arthur M. Krieg, et al.	
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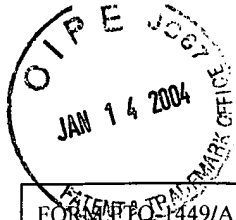
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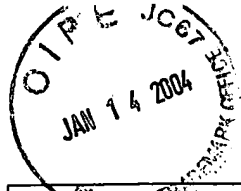
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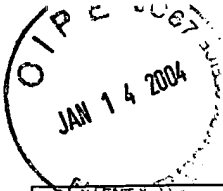
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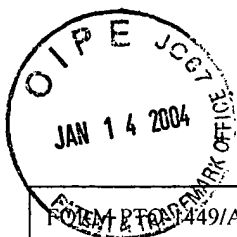
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EXAMINER	DATE CONSIDERED
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